

City Council Chamber, City Hall, Tuesday, February 10, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 10, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:00 p.m. Mayor White called the meeting to order and Council Member Alvarado introduced Pastor Elmo Johnson with the Rose of Sharon Baptist Church who led all in the prayer and Council Member Alvarado led all in the pledge of allegiance.

At 2:02 p.m. the City Secretary called the roll. All present

Council Members Green and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Galloway moved that the rules be suspended for the purpose of adding Mr. Sam Hart as first speaker for three minutes relative to Agenda Item 33 and move Mr. Thomas Webb to the top of the three minute speakers, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0141 ADOPTED

Council Member Green moved that the rules be suspended for the purpose of hearing from Ms. Chris King and Mr. Aaron Smith after Mr. Thomas Webb, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0142 ADOPTED

Council Member Berry moved that the rules be suspended for the purpose of adding Mr. Alan Romano to the end of the list of speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0143 ADOPTED

Council Member Holm moved that the rules be suspended for the purpose of hearing Ms. Paula Helwick at the top of the three minute speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2004-0144 ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Mark Williamson after Mr. Aaron Smith, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2004-0145 ADOPTED

Mr. Sam Hart, who was previously added to the speakers list, appeared and stated that he was with Clear Channel Airport Advertising; that the current advertising contract would expire in December 2004 and they were offering an extension of three years going from 75% to 65% pay on all sales; that they were asked to place a proposal and did so for 66% but increased the minimal guarantee from \$1.7 million to \$2.2 million and would also be putting all new advertising displays in at both airports; that the current advertising company made presentations to Council Members and where his company was given the opportunity to put in a proposal once the current company was given the opportunity two to three times and from the amendment last week it currently stood at 65-1/2% pay, matching their \$2.2 million guarantee and insuring minimum \$500,000 capital expenditure at both airports; that they sent a letter to Mr. Vacar requesting best and final offers in a sealed bid proposal which usurps the standard RFP process which they would normally push for so they made an offer of 70% of all sales with a \$2.2 million guarantee and minimum \$500,000 expenditure for capital expenses including all

new monitors at Hobby Airport central concourse. Council Members Wiseman and Berry absent.

Council Member Goldberg stated that he was glad the airport was finally getting the respect it deserved and it was good to see two companies bidding it up; and upon questions, Mr. Hart stated that his bid of 70% in dollars was about \$200,000 more based on percentage, but their track record at other airports where they had taken over the contract in a competitive bid situation had increased tremendous amounts of revenue; that they were willing to guarantee the 70% throughout the term of contract and it was for all terminals at Bush and Hobby with the exception of Terminal E which was Continental's. Council Member Berry absent.

Council Member Garcia stated that he was not sure in what stage of negotiations they were at, but when facing a \$150,000,000 deficit he thought they should see what opportunities were out there and whether this was worth pursuing. Council Member Berry absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of extending time for questions of Mr. Sam Hart, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0146 ADOPTED

Council Member Ellis stated that if it was fair for him to come back and bid higher he would think it only right for the other company to be offered the same; and Mr. Hart stated that had been done the first round, his company was offered to come back and offered 66% and the company with the contract now was shown his proposal and came back at 66-1/2% but now had gone back down to 65-1/2%; that his company suggested to bring it all to a close and to offer both companies along with anyone in the advertising business the opportunity to provide sealed bids for best and final offer. Council Member Ellis stated that he felt that would be appropriate.

Council Member Khan stated that it seemed calling for sealed bids would be a fair way of handling this because when going back and forth they would continuously have a spiral; and requested Mayor White to look into it. Council Member Berry absent.

Council Member Edwards stated that she thought that had been taken care of; and Mayor White stated that he believed the final vote was scheduled for tomorrow; that he appreciated Mr. Hart coming and to give history, status, etc., originally this began with a desire by the Aviation director to get new monitors installed at the airport and there may be impediments while someone had a contract to give someone else the right to install monitors when they had the right to all advertising in the airport, however, he thought Council Members and the Mayor did express some desire, given the loss of revenue in the first year with a \$400,000 reduction, to see what competitive offers were there and he thought Clear Channel did a good job in responding on a timely basis; that there was still the issue of whether or not a competing proposal such as this could be implemented in a fashion that would allow during this year those monitors to be installed and he believed he and the Council Members should know that before the vote; and called on Mr. Hall who stated that at the Mayor and Council Members direction they explored and had conversations with all vendors in an effort to assure the City received the best return in value, but as the Mayor explained there was a contract at the two airports and the desire of the principal airline at Hobby to have monitors installed would be something they had two options of in the period from now until January and that would be for the City to pay for them or to allow the contractor who had the contract for it to pay for them and put them in and as he understood they were required three years ago to spend initially \$800,000 on improvements at the airport and had done so and were under no further obligation to expend any capital dollars at the two airport; that he talked to the Director of Aviation who thought the proposal to put them in now was good and sound because he thought it was a market proposal and allowed him to exercise the option he had under the lease to extend the contract under the new terms and get monitors in now rather than a year from now and that was why he continued to recommend this as the best for the City. Council Member Berry absent.

Council Member Goldberg stated that he met with Mr. Vacar and basically they were bypassing the procurement process and saying the advertising company could buy the monitors and it was legal but for the benefit of getting the monitors before December the city could be bypassing \$1,000,000 and the monitors were \$250,000 and Hobby had not had the monitors and were doing fine and for the sake of not waiting until next year they could be bypassing 70% over the next two years and he did not know if that was worth it; and Mayor White stated that he thought the way he was going about the analysis was a very appropriate way to go about this and it was material that someone said they would up it to 70%. Council Member Berry absent.

Council Member Holm stated that she too was looking at what was best for the city and would there be a way for the City to put in the monitors at this point, issue the RFP and under those the requirement would be they reimburse the City for those expenses; and Mayor White stated that was exactly the question he asked and he wanted to get clarification on it. Mr. Hall stated that Mayor White was right he had asked that and other questions which they had checked, but the problem was they were only trading dollars, it was like starting out with them owing whatever they owed, it was not free money; that anyone bidding in January would be bidding on that same basis so you had not gained much; that Mr. Vacar and his staff had actually surveyed the advertising contracts let at airports in the last year and they came out somewhere between 50% and 65% and he believed he provided the list to Council Members of the sampling, but he believed it was the market for this and it was probably verified that the initial responses that were supposed to represent best and final offer was in the 66% range from the two vendors and he believed it to be a good, sound recommendation. Mayor White stated that he understood Council Member Holm's inquiry and if anyone walked up and offered a better deal they did have an obligation to look at it and see if that concern could be accommodated and it was a good question.

Ms. Michelle Barnes, 3740 Parkwood, Houston, Texas 77021 (713-523-1616) appeared and stated that she was director of the Community Artist Collective and they enthusiastically supported the Art Walk of Fame project being sponsored and led by the National Association for Advancement of Living Artist (NAALA) and it was designed to raise public awareness for American art and its contribution to Black history.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Ms. Michelle Barnes to speak, seconded by Council Member Goldberg. All voting aye. Nays none. MOTION 2004-0147 ADOPTED

Ms. Barnes stated that it was an idea long overdue and greatly needed and they looked forward in assisting the project as it developed.

Council Member Goldberg thanked Ms. Barnes for coming and congratulate her for being accepted into the American Leaders Forum Class 22.

Council Member Edwards thanked Ms. Barnes for her work; and upon questions, Ms. Barnes stated that they knew the budget was under pressure and this was being done as a gift to the City and for them to be supportive in the ways that they could, would be most appreciated. Council Member Lawrence absent.

Ms. Jeanette Anderson, 1426 Cool Spring, Houston, Texas 77088 (281-847-4379) had reserved time to speak but was not present when her name was called. Council Member Lawrence absent.

Mr. Michael Locke, 12951 Briar Forest #726, Houston, Texas 77077 (713-520-5526) appeared and stated that he was a poet and writer in Houston and thought with Houston being the fourth largest city in the country it should have a poet laureate and he was asking that a position be created so he could apply for the job.

Mayor White thanked Mr. Locke for coming and making the offering and stated that he was very thoughtful.

Ms. Paula Helwick, 8600 Woodway #250, Houston, Texas 77063 (713-785-4773) appeared and stated that she was founder of NAALA and was present presenting her Walk of Fame project which could greatly impact Houston's tourism industry and raise awareness of American art; that they were proposing to place 800 mahogany granite Texas Ranger Star plaques into the museum District Area and it would eventually connect to Downtown; that they would raise all funds and the City would incur no cost. Ms. Helwick reviewed a list of artist that would be represented and stated that she would close with a quote from the former Director of Fine Arts from 1924-1954, "Nature made Houston rich, time will make her powerful, only the arts will make her great."; and urged support of her project.

Mayor White stated that he appreciated her presentation; and upon questions, Ms. Helwick stated that she sent information to the Museum District Area and some responded, some had not, months ago some suggested Washington Avenue for the project but she felt it belonged in the Museum District Area as it was designed to impact Houston's tourism industry; that she did have supportive letters. Council Member Goldberg absent.

Council Member Lawrence thanked Ms. Helwick for her vision and stated that it did make Houston greater. Council Member Goldberg absent.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738) appeared and stated that he was with Local 1550 representing municipal city workers and present over a major concern; that in the newspaper February 2nd there was an article on layoffs, increased insurance premiums, etc., and it caused a concern; that those employees were already by market value 30% underpaid compared to other major cities and some employees were even in a panic mode; that there were also rumors about dissecting Chapter 14 in the City Ordinances which governed municipal employees and modification and elimination of the Civil Service Commission; that the Mayor and Council offices recently received copies of a meet and confer resolution and they provided it in hopes to establish a solid and firm communication between this Administration and Local 1550 as without it they would be faced with the same problems. Council Member Goldberg absent.

Council Member Khan thanked Mr. Webb for coming and upon questions, Mr. Webb stated that he would say morale was at an all time low and money had a lot to do with it, but increased insurance premiums for instance came out in the newspaper and basically translated into a pay cut and when Mayor White stated that unskilled employees would be considered for lay offs, they would like that statement cleared up. Council Member Goldberg absent.

Upon questions by Council Member Edwards, Mr. Webb stated that Governor Perry vetoed collective bargaining, but it was reasonable for a City government to come back with something else and getting information on the backburner was a problem, but with meet and confer they would be at the table and it would be the beginning of a solution. Council Member Galloway absent.

Mayor White stated that he expressed to a reporter that some may lose their jobs because they needed to change the skill mix at the City, but it was reported as under skilled and he never used that word; that the genesis of his idea was meeting with City employees who believed there may be too much upper management and not enough in the field.

Council Member Galloway stated that she found the advise and knowledge of employees at various work locations was very helpful and it could help in ways of being efficient and she hoped when the budget process was started that they would have meetings with the organizations which represented employees so they could get a better insight and support; that she would do what she could to make sure; and thanked Mr. Webb for coming. Council

Member Lawrence absent.

Council Member Ellis stated that Mayor White had a committee meeting regarding health benefits and increases and options they would be looking at last week and he met with Mr. Kimbell, the executive director of the union, on the issue, so there was at least some open discussion and tomorrow at 2:00 p.m. there would be another Fiscal Affairs Committee Meeting and addressing the increase in health benefits only and encouraged Mr. Webb to come and speak. Council Member Galloway absent.

Council Member Garcia stated that AFSCME was asked to participate in many aspects of City functions; and upon questions, Mr. Webb stated that there had been instances where they were asked to sign off on certain situations but at the eleventh hour and when asked to do something at that time you could not do it with the best interest of employees in mind but at that time any compromise reasonable would be made. Council Member Garcia stated that he felt Mr. Webb did need to be at the table at the first hour and not the eleventh hour; that he asked Mr. Hall for a copy of his presentation which was presented to the Fiscal Affairs Committee Meeting and had not received it and he noticed that comparisons were made between the City of Houston and Rice University, etc., and his point was he would like to see a comparison between City of Houston employees salary base and the salary base of other work forces they compared themselves to and he felt they would see they were comparing apples to oranges and it supported the argument of the organization that they would be creating a pay cut on top of a lack of salary increase and he would like to see apples to apples compared; that Mayor White was great about including entities in discussions on particular issues and he would ask that those folks be included at the forefront of the discussions as they were willing to work with the Administration.

Mayor White stated that Mr. Webb was very effective and he had a tremendous amount of respect for the organization and that was why as they were meeting now the employees committee was being briefed on this; that it was important for employees to know and he took the Council Members comments to heart.

Council Member Alvarado stated that as a member of Local 1550 she could appreciate Mr. Webb coming and speaking and she understood a committee was in place where there was representation from labor, but she was not sure it was active and if not she would ask it be revamped so there would be an official place for someone from labor who represented city employees to be at the table on the onset. Council Member Goldberg absent.

Council Member Sekula-Gibbs thanked Mr. Webb for bringing the issues to the table and stated that she was disappointed to read the new figures on the budget shortfall in the paper instead of having a briefing to Council and it was especially disappointing considering the fact they just had a financial report that Wednesday and a Fiscal Affairs Meeting that week, she could not imagine the information was not available two days before; that she felt it was time for Council to reevaluate all city departments, services and purchases planned for the upcoming six months and in particular before looking to layoffs they had to look at things that had not proven necessary such as SIM Houston and purchases such as VOIP maybe it should be held off on; that refinancing the water/sewer debt they were told once would save between fifty and one hundred million in interest and it was imperative to revisit that; that she commended the Mayor on selling excess property, but it would take time and there needed to be an inventory done and sent through the Quality of Life Committee some of it may be viable for green space and that should be done before layoffs took place. Council Members Galloway and Goldberg absent.

Council Member Berry stated that as he went through budget meetings he asked the same of different groups and as they looked at ways to cut he thought they could learn more from employees than budget directors and hoped Mr. Webb would also be proactive and ask the membership how they could save money and areas that could be cut; that everyone was needing to get creative; and he would also like to hear from them on how to increase morale.

Council Members Galloway, Goldberg and Ellis absent.

Council Member Edwards stated that she would like the Mayor to quantify the discussion in a formal process because they had the discussions in the last Administration and her recollection was the issue was too big and should wait for the new Administration; that perhaps it could be through Council Member Ellis committee; and Mayor White stated that within 24 hours of the time the issue of health benefits came to the table before an open microphone in the meeting did alert it was an issue and would request the Fiscal Affairs Committee address on short-order and broadcast on the Municipal Channel as it was the fastest and best form of communication and at this moment the Health Benefits Committee was meeting with a representative; that he always believed communication could be improved and they would all work together as a team and as soon as something did happen he would get in front of a microphone and tell it to everyone, but they could use improvement and he thought suggestions by Mr. Webb and comments from employees, he spent two and a half hours yesterday speaking with 150 employees and probably met with over 1,000 employees so far and would make it a weekly thing to do so. Council Members Galloway, Edwards, Alvarado and Ellis absent.

Council Member Garcia stated that he applauded Mayor White for committing to that and wanted to let Mr. Webb and Mr. Kimble know to keep his office in the loop; that he wanted to encourage the chairman of the Fiscal Affairs Committee to invite Mr. Webb to the meetings currently involved in so he could provide his prospective on discussions; and again when it came to salary he wanted to be sure apples were compared with apples. Council Members Galloway and Ellis absent.

Ms. Chris King, P. O. Box 60496, Houston, Texas 77025 (281-236-6584) appeared, presented letter to Council Members and stated that January 26th she came to Council discussing declining sales in Terminal C and Council Member Edwards was going to schedule a meeting with Continental Airlines and Entertainment One to rectify the problem but it was cancelled and wanted to bring to Councils attention that the problem still remained. Council Members Galloway, Alvarado and Ellis absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Chris King to speak, seconded by Council Member Green. All voting aye. Nays none. Council Members Galloway, Alvarado and Ellis absent. MOTION 2004-0148 ADOPTED

Ms. King stated that at the beginning of the contract all struggled and Entertainment One had to financially carry operators who could not meet obligations, but now instead of investing money in an airline and collecting a check they took the opportunity to provide over 600 jobs and started over 40 additional businesses; that over the years Entertainment One paid revenue to the City to the amount of \$26,000,000 plus; that they were in Terminal C 13 years and that should have allowed them to be contacted in the planning phase; that they wanted to move forward and were suggesting the return of 70% of the passengers back to Terminal C, approval of a 10 year contract extension to cover losses during renovation and to reduce all rent to the City of Houston to a minimal amount guarantee through construction and renovation phase only. Council Members Galloway, Alvarado and Ellis absent.

Council Member Sekula-Gibbs stated that the issue was of great seriousness to the community and she appreciated Ms. King coming back; that she was disappointed the meeting had been canceled and felt one should be facilitated; and Ms. King stated that she thought that appropriate. Council Members Galloway, Edwards, Alvarado and Ellis absent.

Mayor White stated that the reason for diversion of flights was not gate closures, that was a contributing factor, and he and the City Administration, Department of Aviation and Chief Administrative Officer were troubled by the unilateral action of an airline that also may have interest in competition with them and they were considering what to do next; in regards to a response by Continental Airlines it seemed somewhat patronizing that they would offer

professional assistance to them to help them deal with the problem and did think a meeting was good, but wanted to give his colleagues a sense actions were taken and that there may be more actions taken by the Administration based on what they thought their legal alternatives may be. Council Members Galloway, Alvarado and Ellis absent.

Council Member Edwards stated that they had set the meeting up with her, Mr. Smith and Continental, but in deference to the Mayor wanting to find out what was behind this, more so than just the meeting, she cancelled it in deference to the Mayor taking the appropriate lead position and was hopeful with him being on point it would bring closure and solution; and Mayor White stated that it did not seem right to them and they communicated it to Continental Airlines, regarding the amount of flights shifted and they were considering alternatives and would keep people in the loop. Council Members Galloway and Ellis absent.

Mr. Aaron Smith, P. O. Box 60496, Houston, Texas 77205 (281-397-7779) appeared, presented information and stated that he was president and owner of Airport Express Management Limited, food concession managed by Entertainment One at Bush Intercontinental Airport; that they operated 12 food concession with 9 being purchased through bank loans through former contractors of Terminal C; that his daughter explained the hardships caused by closure of 50% of the gates in Terminal C before Council on January 26th and under present conditions it was impossible for them to continue to meet their financial obligations and the City of Houston was also a victim; that they were asking for financial compensation, to return a reasonable amount of passengers back to their terminal and to have the contract with Entertainment One extended. Council Member Galloway absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Aaron Smith to speak, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0149 ADOPTED

Mr. Smith stated that what he proposed was feasible and fair and was the right thing to do, it would save small minority businesses, preserve hundreds of jobs and add needed revenue to the City of Houston. Council Member Galloway absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Smith stated that he would be happy to attend the meeting between Continental and Entertainment One. Upon further questions by Council Member Sekula-Gibbs, Mr. Smith stated that two chicken businesses and a fudge store closed, but he purchased them and tripled the business in the chicken stores, it just was not being run right; that sales were down quite a bit since even last December even with the Super Bowl as they received none of that business, the traffic was taken away from them right before that happened. Council Member Sekula-Gibbs stated that she looked forward to bringing all parties together and rectifying the problems. Council Members Galloway and Wiseman absent.

Upon questions by Council Member Quan, Mr. Smith stated that their rent was at one time 10% and the city was going to raise it to 20%, but some such as Taco Bell already paid 10% royalty fees and that would be 30% right off the top so they got it down to 15%; that if their rent went back down to 10% they could live with that too; that the current contract would expire in 2008, but CA1 Services just got an extension of four years with three one year options and they did not have that and since they had to renovate they should at least get that. Council Member Quan stated that he would look at the contract and see because he was not familiar with the extension granted to CA1. Council Members Galloway, Wiseman, Garcia and Ellis absent.

Council Member Edwards stated that there were issues larger than the contract to her with one being how Continental got to be the sole person in E and she wondered if that could be reviewed as she needed clarity on it and regarding the drop gates she mentioned that term to Continental and they said they weren't familiar with the term. Council Members Galloway,

Wiseman, Garcia and Ellis absent.

Council Member Khan requested Mayor White let Council know what he planned to do from this point on; and Mayor White stated the current state of play was that they investigated the situation and thought the number of flights put in E was not related to Continental sites operational issues, there were pluses and minuses and they strongly urged Continental to reconsider the extent of the diversion and its impact on vendors and in response they offered to give vendors operational counseling and he would make sure that was their position and then see what alternatives needed to be considered. Council Members Galloway, Wiseman, Holm, Garcia and Ellis absent.

Mr. Mark Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared and stated that he was president of the Houston Heights Association and wanted to thank Council for the prevailing lot size and prevailing set back ordinances in place and urged them to continue to support and strengthen them as they were valuable tools in preservation of the neighborhood; that with no deed restrictions there was little protection from those who had no respect for the neighborhood, but now those blocks granted protection had a better chance of maintaining their look and many more blocks looked forward to the protection once they completed the process. Council Members Galloway, Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Council Member Garcia thanked Mr. Williamson for coming and sharing his perspective and stated that they were trying to find the best science to preserving neighborhoods and it was important to hear all sides of the issue. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs and Green absent.

Mr. Clay Hardman, 2023 Shdow Forest, Katy, Texas 77494 (713-957-2324) had reserved time to speak but was not present when his name was called; and Ms. Helwick appeared and stated that Mr. Hardman had to leave, but his company would be handling the art to make the plaques for the Art America Walk of Fame and at this time they only wanted to show the plaque. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs and Green absent.

Mayor White stated that there were rules for speaking out of order, but he understood what she displayed was what he would have shown Council; and Ms. Helwick stated that yes it was. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs and Green absent.

Mr. Simplicio Mendoza, 6143 Willowglen, Houston, Texas 77033 (713-734-2002) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs and Green absent.

Mr. Ron Kraaier, 8855 Gulf Freeway, Houston, Texas (713-941-8000) appeared and stated that he was representing His Disciples Christian Ministry and do to an error in scheduling his employer, Mr. Dale York, was omitted; and requested he be allowed to speak in his place. Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs and Green absent.

Council Member Alvarado moved that the rules be suspended for the purpose of allowing Mr. Dale York to be added to the Speakers List, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Ellis, Sekula-Gibbs and Green absent. MOTION 2004-0150 ADOPTED

Mr. Dale York appeared, presented information and a bag of compost to each Council Member and stated that he was present to try and save the City at least \$20,000,000 to \$22,000,000 on a project, the Almeda Sims Treatment Plant, he found out an engineering firm was hired which would cost thousands of dollars to give a study on changing the dryer out, but both plants was a mistake from the beginning; that he had given the Mayor and Council a

proposal of what they could do and if they could spend just \$2,000,000 on a building he knew how to compost and was doing it now; that almost all of New York was composting their sludge with no problem and other cities were doing it correctly and did not even need bio filters and he would like a chance to show the City they could do it; that he brought some guys with him today as they recycled people also by taking people who missed their mark in life and who were happy now learning skills. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Dale York to speak, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Green absent. MOTION 2004-0151 ADOPTED

Mr. York stated that he would like a chance before the City made a commitment to buy the other flash dryer which polluted the atmosphere to show they could compost the sludge and for probably less than \$200.00 a ton when it was probably costing the City \$400.00 a ton now. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Green absent.

Upon questions by Council Member Quan, Mr. York stated that Dr. Burger was very interested and compost was just the right way to go. Council Member Quan stated that it sounded worthwhile to at least pursue it and he was trying to figure out which was the right department; and upon further questions, Mr. York stated that the City was in a bind for money and he would have no problem selling the compost. Council Member Quan stated that he would like it referred to the right department and give him a fair chance; and Mayor White stated that the plant was in Public Works Solid Waste and Mr. Fontiane could speak with him. Council Members Lawrence, Galloway, Edwards, Wiseman, Ellis, Sekula-Gibbs and Green absent.

Mr. Kelly Weeks, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was present with Mr. Dale York; that he had a drinking problem and had been to many programs and rehabs and with his disciples he found the strength to fight the disease; that it was a Christian oriented program and this was the first time he hungered for what the program offered and they were only funded by their own means and they would appreciate the challenge of the Almeda Sims Project and felt many such as he and the City would all be winners. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Golatt, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was also with Mr. York and read from the Bible, Book of Proverbs, stating that reading scriptures to the Mayor and Council was an amazing thing for him because he had learned much and they could do what he said and had the manpower to do so, but needed the opportunity to be given to them by the City. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. George Killingsworth, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that because of bad choices in his life he was incarcerated for several years and after his release he became aware everything was stolen, but by the grace of God Mr. York took him into his disciple ministry which was a work program and he learned skills of operating heavy equipment, etc., in recycling of wood and forest products and composting and mulching; that they would appreciate the opportunity and challenge of taking over the Sims Bayou Almeda Road Facility as he felt they could do a much better job at a much greater reduction and expense. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Stanley Meadows, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that Mr. York had been a blessing to him and he knew his dedication and

knew he had the ability and knowledge to do what he said and the men had the dedication; that he would appreciate the Mayor and Council looking into the program and seeing how viable it could be to the city and the ministry and recycle waste products and some that maybe others thought were waste and were not. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Enoice Lowe, Sr., 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that Mr. York offered many training skills and knew what he was doing when it came to composing mulch and dealing with waste products; and asked that they be given the benefit of the doubt in serving the future when it came to waste materials. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Morris, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he also made mistakes in the past; that through composting he found it was not only viable economically but viable environmentally taking what was from the earth and going back to it; that they provided a soil analysis and it was nutritious and helped to retain water and he prayed they would be given a chance. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Charles Hernandez, 1922 Blodgett #1, Houston, Texas 77004 (713-523-9809) appeared and stated that he was asking appropriate signage be brought to Wilson Elementary and to highlight the need for the City to work with HISD to report unsafe school areas; that in May he informed Public Works that Wilson would be changing their dismissal hours with Monday through Thursday the day being extended to 3:30 p.m. and Friday dismissal would be at 1:00 p.m. and he asked that beacons be provided on Dunlavy and Fairview and additional signage be installed at other school zones; that since he had asked several times since and had also spoke with Mr. Castillo and Council Member Edwards office and they asked Public Works to address the matter; that HISD had a growing trend to change hours and safety should not be overlooked. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) appeared and stated that Pakistanis had built a massive child molestation and pornography network amongst African American children through their stores and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. M. D. Nelson Zamora, 448 Harvard, Houston, Texas 77007 (713-861-0002) appeared, presented information and stated that Mr. Robert Litke finally presented a petition to his commissioner which would zone and discriminate against people in the 400 and 500 blocks of Harvard Street; that reputed owners used to file this petition were not true homeowners as required by the Code and it made it far less than the percentage required; that the Heights had three lot sizes and their two blocks could not be classified as a sweet community needing protection; that her map showed the changing face and character of the neighborhood and as of today it had been 494 days since the petition was filed and the Code said after 180 days of filing it should not be subject to lot size change if Council had not passed on the approval. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Little, 444 Harvard, Houston, Texas 77007 (713-862-4246) appeared and stated that she was present to speak against zoning and discrimination that the Planning and

Development Department had tried to push on the 400 and 500 blocks of Harvard Street; that she among others opposed such a Nazi takeover. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joe Denver P. O. Box 631263, Houston, Texas 77263 (281-556-9326) appeared, displayed pictures and stated that some time ago he was told of a grid over someone's house which frightened them and since he began watching the sky and looking at satellite photography, humidity maps, internet radar, etc., and noticed something was going on above the skies and he wondered why x's were shown time and time again over the city and why grids were above homes and it was all part of an issue called Chemtrails. Council Members Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Denver for coming and sharing the information. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. John Dutt, 15770 Bellaire Blvd., Houston, Texas 77083 (9281-772-2500) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Larry Shaefer, 421 Mt. Vernon, Houston, Texas 77006 (713-522-7000) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Yvonne Jensen, 9 West Shady Lane, Houston, Texas 77063 (713-975-1868) appeared and stated that she and other members of Piney Point Estates were present and to give better procedure she would ask that their order to speak be changed; and Mayor White stated that Council would allow them to proceed unless there was an objection and with there being none Ms. Rose Mary Jablonowski appeared to speak. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Rose Mary Jablonowski, 8 West Shady Lane, Houston, Texas 77063 (713-782-2545) appeared, presented information including photographs, history of Piney Point Estates, etc., and stated that Piney Point Estates was a small subdivision situated outside of loop 610 and consisted of 76.3 acres of which the majority was residential and one acre being the oldest Black cemetery in Houston; that several properties did opt out of deed restrictions in 1986 which resulted in a checkerboard development and five lots remained unrestricted. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Kerry Buxbaum, 25 East Shady Lane, Houston, Texas 77063 (713-953-9754) appeared and stated that she was also a resident of Piney Point Estates and showed that there was commercial and residential properties with one property which may be sold to have 14 patio homes constructed on it. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Yvonne Jensen, 9 West Shady Lane, Houston, Texas 77063 (713-975-1868) appeared and stated that she was present director of Piney Point Estates and many there including herself were second-generation owners; that proposed development at #2 West Shady Lane was the topic, it was to be sold to have 14 patio homes built and at this time they did not know how high, etc., but felt it was too dense for the area; that they were requesting Council amend the Code of Ordinances, Section 42 to include residential neighborhoods

located outside Loop 610, such as Piney Point Estates, in the definition of an "urban" area and to allow all subdivisions to meet four parts of the seven part definition of an "urban" area under Section 42-101 (c), rather than requiring them to meet all seven parts; and asked that those present stand to be recognized. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Nancy Law, 9 West Shady Lane, Houston, Texas 77063 (713-781-1394) appeared and stated that she wanted to discuss briefly Section 42 of the Code of Ordinance, it was enacted to help existing residential neighborhoods preserve their character, but enable to use the section the neighborhood had to satisfy two criteria, it must be inside Loop 610 and in addition to being an urban area in the loop it had to satisfy seven criteria; that the dictionary defined "urban" as pertaining to or located within a city and opposite of rural so any property located within Loop 610 was considered urban and any outside was rural and she did not believe anyone lived in a rural area being the fourth largest city in the United States; that in Piney Point they could satisfy five of the seven criteria. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that the only remedy was to change the Section 42 requirement and asked the Mayor to have someone take a look at it as outside 610 was not a rural area and he would like to see what could be done for Piney Point and others. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence thanked all for coming and stated that this was a big concern and the Mayor had established a committee Neighborhoods Housing and Redevelopment and she had spoken with the chairperson, Council Member Quan, and they were talking of readdressing Chapter 42 and they were welcome to attend and should give their input. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he was on the phone with Legal and they did plan to address definitions; that they would be taking up the issue on next month; and thanked everyone for bringing it to Council's attention. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that some were opposed to what they were trying to lead, but he was supportive of their efforts because right now development had its way with the City except for communities which took on the effort of instituting prevailing lot size applications and it was a step to preserving neighborhoods and encouraged them to speak with Mr. Williamson from the Heights who was still present and could give them information; and they had his support. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he asked the City Attorney representative for his wisdom and he knew Mr. Litke was looking at the antiquated inside the loop issue and Council Member Quan's committee had authority and had confidence in the Mayor and Administration to try and have the right balance; and upon questions, Mr. Bibler stated that there was a definition of urban area, areas within the 610 loop were presumptively in it and areas outside the 610 Loop had to meet certain criteria and that was apparently the issue here. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Roger Merrill, 28 East Shady Lane, Houston, Texas 77063 (713-914-0830) appeared and stated that he had bought an opt out property in Piney Point and voluntarily assumed deed restrictions; that he was thinking a little different than Ms. Law; that if they could go outside Piney Point Estates and take in adjoining property then they could meet all seven criteria.

Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Rag Varna, 2C West Shady Lane, Houston, Texas 77063 (281-802-2072) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Sanjay Varna, 2C West Shady Lane, Houston, Texas 77063 (281-802-2072) appeared and stated that the picture at 2C West Shady Lane, which he distributed, was his new home and they had invested almost their entire life savings in it; that they were on an opt out property, but the sellers insisted it be a single family dwelling and they were okay with it, but those same people had a property next door and they were the ones planning to develop a 14 unit multi story townhome project and it would block their entire property and destroy the value of all they had accumulated; and thanked Council for all their support. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he was not only familiar with the area but many of his friends lived in the subdivision and he appreciated those present for bringing it to their attention and he was on the committee with Council Member Quan and hopefully they would bring solutions to them and others. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. James Donatto, 3722 Rio Vista, Houston, Texas 77021 (713-529-0130) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Birdie Gails, 6729 Larkstone, Houston, Texas 77028 (713-633-8964) appeared and stated that she was a farming type woman and was a resident of Houston 30 years off and on but it was her culture and tradition to use an outdoor toilet and used one on her own property as far back as she could remember; that it recycled food and gave a circle of life. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Darrell Lucas, 2411 Green Rock Road, Houston, Texas 77032 (281-821-2640) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mrs. Diane Biegel, 1748 Kipling, Houston, Texas 77098 (713-521-3799) appeared, presented information and stated that she was present regarding construction of 527 and was asking for an experiment test; that they were going to show time with no rehearsal and with intentional misrepresentation from TxDOT; and they were going to need Council's help with police, monitoring and cut through traffic. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she knew some Council Members had been to the townhall meetings and she understood her frustration. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he would ask all those who spoke on the subject to

come up with what could be done and they did give suggestions; that he had requested the Administration to come up with an emergency plan and he would again request that at least the Administration have traffic police there and not just in cars but in the streets helping with neighborhood traffic flow and he would be at the townhall meeting this evening and hoped they would be there also. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steve Biegel, 1748 Kipling, Houston, Texas 77098 (713-521-3799) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that if there were no objections she would ask that Mr. Jed Kenna and Ms. Robin Holzer be moved up after Mr. Christopher Palumbo since they were on the same subject and would add Mr. Alan Romano and with no quorum no motion was necessary. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Christopher Palumbo, 5102 Academy, Houston, Texas 77005 (713-661-2968) appeared and stated that he was following up and his perspective was if the City would not advocate for their constituents then who did they expect to do so; that they could hire any law firm to go against TxDOT, but yet their response was they could do nothing and he could not understand why the City had not taken a more proactive stand. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jed Kenna, 1507A Harold, Houston, Texas 77006 (713-523-1776) appeared and stated that in addition to a number of things Council had done for them on this matter they were asking for one more and that was they would like to see the simulation as they thought it was faulted and they were asking Council to get them the model. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared and stated that she was not hearing anyone asking how they could be sure it was okay to proceed with the project right now; that she spoke with Rep. Martha Wong's district director and he agreed they could call on TxDOT to provide better support and more information and she was asking for Council to do the same, to explain so there would be more faith. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Alan Romano, who was previously added to the Speakers List, appeared and stated that they either needed to move on or stop and they were trying to stop the Highway Department but the Mayor had to lead and if he was not going to he should get out of the way; that they would meet him anytime and asked that he get his mobility group together. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that as for his position he had been to their meetings and met with the Mayor and encouraged Legal to get involved; that they had delayed the matter for over a year so they had not ignored it, they were as frustrated as the others; that he had confidence in Mr. Vanden Bosch and he spent numerous hours trying to come up with something and they wanted to be supportive, but he did not see any alternative other than not doing the project entirely and just keeping the freeway going the way it was, but their complaints

had not gone unheard. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to assure citizens there was nothing the Mayor and those around him were not looking at; that they were looking at alternatives and mitigating impacts on neighborhoods would be balancing and he knew everyone would have different ideas; that none of this was based on a fear of TxDOT or not wanting to take them on, but they were trying to see what could be done now and he appreciated them sharing their thoughts. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that she was again present regarding their community; that she was a member of the Willow Run and North Plaza Civic Club and last week they were present asking that the overlay of their streets be taken up. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he did not know where they stood on the removal of the overlay, but they had made good points regarding listening to the community first; that he met with the Director of Public Works and the water utility was in bad shape at the time of purchase and it was in the CIP for design now and for construction the next; that it was a very expensive project, but clean water was a basic thing that should be provided and he wanted them to know that he took action after they were present last week and it seemed a year and a half was too long to wait for better water. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Marcia Laverne Smith, 1435 Fashion Hill, Houston, Texas 77088 (281-445-0031) appeared, presented a sample of her water and stated that she brought it for Council to see the rust; that the workman who came out tried to say it was her hot water heater, but everyone had the same water. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was getting no emergency protection and was the only official U. S. President and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:11 p.m. City Council recessed until 9:00 a.m., Wednesday, February 11, 2004. Mayor White, Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 11, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 11, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Susan Taylor, Acting City Attorney and Ms. Marty Stein, Agenda Director, present.

At 8:24 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 Mayor White reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Quan and Sekula-Gibbs absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 26

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of the following to the Board of Directors of the **METROPOLITAN TRANSIT AUTHORITY**, for two year terms:

MR. DAVID WOLFF
MR. GERALD SMITH

- was presented, moved by Council Member Quan, seconded by Council Member Green. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0152 ADOPTED.

2. RECOMMENDATION from Director Library Department for approval of Change Order No. 7 in the amount of \$45,053.00 on contract with **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Green. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0153 ADOPTED.

Mayor White requested that Mr. David Wolff and Mr. Gerald Smith stand and be recognized. Council Members Goldberg, Wiseman and Garcia absent.

ACCEPT WORK - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,348,654.39 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of Royal Oaks Subdivision Paving and Drainage Improvements, Phase II (NSR 425A), GFS N-0351-02-3 (N-0351-02) - 02.06% under the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Galloway, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0154 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 11

5. **GULF COAST ATHLETIC SUPPLY** - \$170,476.40 and **HUNTER KNEPSHIELD OF TEXAS, INC** \$33,340.00 for Athletic Playground Equipment for Parks & Recreation Department - General and Park Special Revenue Funds - was presented, moved by Council Member Avarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0155 ADOPTED.
6. **GBS ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$151,700.00 and contingencies for a total amount not to exceed \$159,285.00 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Avarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0156 ADOPTED.
7. **BASIC INDUSTRIES, INC** for Asbestos Abatement, Demolition and Site Clean-up

Services for Planning & Development Department - \$32,402.00 and contingencies for a total amount not to exceed \$34,022.10 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Avarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0157 ADOPTED.

8. **CERTIFIED/LVI ENVIRONMENTAL SERVICES, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$112,400.00 and contingencies for a total amount not to exceed \$118,020.00 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Avarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0158 ADOPTED.
9. **CST ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$204,000.00 and contingencies for a total amount not to exceed \$214,200.00 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Avarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0159 ADOPTED.
11. **AMEND MOTION #2001-289, 3/21/01, TO EXTEND** expiration date from April 1, 2004 to March 31, 2005, for Pipe, Black and Galvanized for Various Departments, awarded to **NORTH SHORE SUPPLY COMPANY** - was presented, moved by Council Member Avarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. MOTION 2004-0160 ADOPTED.

ORDINANCES - NUMBERS 13 through 25

13. ORDINANCE consenting to the addition of 40.56 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. ORDINANCE 2004-0102 ADOPTED.
14. Omitted
19. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **MILLS BRANCH VILLAGE COMMUNITY ASSOCIATION** for Garbage Collection Service for the respective civic association - 6 Months - \$36.00 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. ORDINANCE 2004-0103 ADOPTED.
22. ORDINANCE awarding contract to **UNIFIRST HOLDINGS L.P.** for Rental of Linen, Textiles and Maintenance Supplies for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$752,045.55 - General, Enterprise, Fleet Management and Parks Special Revenue Funds - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. ORDINANCE 2004-0104 ADOPTED.
23. ORDINANCE appropriating \$3,209,424.00 out of Airports Improvement Fund, CIP A-0304, awarding construction contract to **W. W. WEBBER, INC** for Runway 8L-26R Midfield Grading at George Bush Intercontinental Airport/Houston (IAH), Project No. 522M; providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. ORDINANCE 2004-0105 ADOPTED.

24. ORDINANCE appropriating \$195,300.00 out of Airport System 1998B AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections Two and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-20.1; approving purchase and sale agreements with the owners of the land (Bernstein-Perwien Properties, and Albert Herrera) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. ORDINANCE 2004-0106 ADOPTED.
25. ORDINANCE appropriating \$280,675.00 out of Airport System 1998B AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections Two and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-21.1; approving purchase and sale agreements with the owners of the land (David, Jorge Luis, and Eventino Arredondo; Reynario and Erica Vargas; and Melvin Lamar Dunn) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Wiseman and Garcia absent. ORDINANCE 2004-0107 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,230,693.19 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.**, for On-Call Rehabilitation to Large Diameter Water Mains, Valves, and Appurtenances, GFS S-0900-80-3 (WA10700) - 04.08% over the original contract amount - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0161 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **XL PARTS, LLC (Bid Nos. 3 and 2)** for Automotive Bearings and Power Transmission Components for Various Departments - \$105,045.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,151.35 for a net award amount not to exceed \$101,893.65 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Alvarado, seconded by Council Member Quan, and tagged by Council Member Ellis. Council Members Goldberg and Wiseman absent.
12. **AMEND MOTION #2000-251, 2/16/00**, previously amended by **2000-471, 3/29/00, 2003-56, 1/22/03** and **2003-965, 8/6/03, TO INCREASE** spending authority from \$1,345,000.00 to \$1,651,019.00, for Safety Footwear for Various Departments, awarded to **SAFETY SHOE DISTRIBUTORS, INC** - \$306,019.00 - General, Enterprise, Fleet Management and Stormwater Utility Funds - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0162 ADOPTED.

ORDINANCES

15. ORDINANCE approving and authorizing contract between the City of Houston and **BREAD OF LIFE, INC**, providing up to \$1,085,822.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds, for the Administration of Child Care Services, Supportive Services and Short-Term Rent, Mortgage and Utility Assistance, which sum includes a limitation of additional funding in the amount of \$542,911.00 - **DISTRICT I -**

ALVARADO – was presented.

Council Member Edwards stated that she wanted to congratulate Bread of Life for the work they had been doing on the issue, that she wanted to congratulate the management and staff for their work. Council Members Goldberg and Wiseman absent.

Council Member Quan stated that the item came before their Housing Committee and they passed it with flying colors and he highly recommended it. Council Members Goldberg and Wiseman absent.

A vote was called on Item No. 15. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. ORDINANCE 2004-0108 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City of Houston and **RIVERSIDE GENERAL HOSPITAL, INC.**, providing up to \$1,094,096.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which sum includes a limitation of additional funding in the amount of \$547,048.00, for the Operation of a Community Residence and Administration of a Quality Living Program, along with supportive services - 2 Years - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Ellis. (Note: Council Member Ellis released his tag on the item later in the meeting.)

Council Member Edwards stated that she wanted to commend Riverside Hospital in their work in the area of HIV and AIDS and the work they had done.

Council Member Ellis stated that the reason he was tagging the item was that there were maybe 15 accounts where they had delinquent taxes and they were not sure that whether they owed it or not and were trying to clear it up, and Council Member Edwards stated that Mr. Gibson, the administrator, was in the audience and maybe he could help Council Member Ellis.

17. ORDINANCE approving and authorizing contract between the City and **TEXAS A&M UNIVERSITY SYSTEM, TEXAS ENGINEERING EXTENSION SERVICE (“TEEX”)** to fund planning activities associated with the implementation of the U. S. Department of Homeland Security’s Urban Area Security Initiative II Grant Program - \$48,900.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0109 ADOPTED.
18. ORDINANCE approving Foreign Trade Zone Agreement for payment of ad valorem taxes between the City of Houston and **MICHELIN NORTH AMERICA, INC, a Texas Limited Liability Company**; authorizing the Mayor to execute a letter of non-opposition to the establishment of a Foreign Trade Special Purpose Subzone - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-0110 ADOPTED.
20. ORDINANCE amending Ordinance Number 99-223 to further increase the maximum contract amount to contract between the City and **WACKENHUT CORPORATION** for Security Guard Services for the Convention and Entertainment Facilities Department - \$350,000.00 - Enterprise Fund – was presented, and tagged by Council Member Edwards.

Council Member Green stated that he had a question regarding the security around the downtown Aquarium and were they experiencing higher than usual crime.

Council Member Garcia stated that Wackenhut Corporation would be the inappropriate people to answer that question, that Special Operations oversaw the downtown actual policing function and Wackenhut was just sort of perimeter security elements.

Council Member Berry moved to suspend the rules to hear from Mr. Stephen Lewis, Convention and Entertainment Facilities Department, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0163 ADOPTED.

Upon questions by Mayor White, Mr. Lewis stated that it was probably an unfortunate to even mention in the RCA of providing security for Aquarium, that it was a contractual obligation that dated from the original lease, that they provided minimal perimeter security for that facility along with all the other facilities in the theater district, the main security for the Aquarium was provided by Landry's Inc., that \$350,000 was the monthly expenditures for the past year for security services for the George R. Brown, Wortham, Jones Hall, Houston Center for the Arts, the Talento facility and the downtown parks managed by the Convention and Entertainment Department, that the hourly rate for the guards was \$9.19 plus benefits which was around \$13.50 per hour per employee, and Mayor White stated that on another Wakenhut contract, he requested some information on the cost per FTE for experience level so they could compare that, and as the items came he thought that was something that he for one was interested in, and to Mr. Hall and Ms. Stein, when they dealt with private security contracts he thought it was instructive to look at the all end cost per FTE so they could compare it and benchmark it against their own, and Mr. Hall stated that Mr. Lewis said he would be happy to have the item held for a week so he could get them all the information they wanted.

Upon further discussion and questions by Council Members, Mr. Lewis stated that their calculations showed that probably a two week delay would put them in a position of bumping over the contract maximum that they were lifting for two weeks, that he thought that one week would be fine, that each of their contracts were separate and each had gone through a separate RFP process, that he would provide the information on the cost of the FTE's for his department and would ask his colleagues in the other departments to assist the Council Members, that they were not adding new duties at this time and had just gone through a request for proposal process to select a new security provider on an ongoing basis, the current contract expires March 15, 2004 and with Council's cooperation in the coming weeks they would be presenting a new contract, that this particular contract was approaching the contract maximum established by City Council, although they had budgeted the money for the contract they needed to raise the cap on the contract to carry them through the last four weeks of the contract, they were not adding new services at this time, that they were providing services for all those entities that were listed in the RCA including the Aquarium and the Cohen and Foley houses, those were all properties that were assigned to the Convention and Entertainment Facilities Department.

Council Member Edwards asked Council Member Berry if he could move up his committee hearing on the issue because she had a lot of issues on the contract and if he could move it up before the next Council meeting she thought it would be of benefit to everyone concerned, and Council Member Berry stated that he would see what he could do. Council Member Khan absent.

21. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BFI WASTE SYSTEMS OF NORTH AMERICA, INC** for Disposal of Waste Materials from Sewer Cleanouts for the Public Works & Engineering Department (as approved by Ordinance No. 99-448) – was presented. All voting aye. Nays none. ORDINANCE 2004-0111 ADOPTED.
26. ORDINANCE appropriating \$98,000.00 out of Public Health Consolidated Construction Fund, and \$202,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **NATEX CORPORATION ARCHITECTS** for Task Order Architectural and Engineering Services for Various City Departments, CIP H-0062-02-2 and R-0268-42-2; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0112 ADOPTED.

27. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,592,411.99 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of Central Park Subdivision Storm Sewer Improvements, GFS M-0186-01-3 (M-0186-01) - 00.04% over the original contract amount **DISTRICT I - ALVARADO – (This was Item 3 on Agenda of February 4, 2004,TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. MOTION 2004-0163 ADOPTED.
28. MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$962,192.00 and acceptance of work on contract with **HORSESHOE CONSTRUCTION, INC** for Neighborhood Sewer Rehabilitation in Sims Bayou, GFS R-2011-25-3 (4764-1R) - 17.81% under the original contract amount - **DISTRICTS D - EDWARDS and I - ALVARADO - (This was Item 5 on Agenda of February 4, 2004,TAGGED BY COUNCIL MEMBER GREEN)** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0164 ADOPTED.
29. ORDINANCE amending Ordinance No. 99-529 to increase maximum contract amount to contract between the City of Houston and **CARRIER CORPORATION** for Heating, Ventilation and Air Conditioning Maintenance Services for Various Departments - \$468,000.00 - General, Enterprise and Fleet Management Funds - **(This was Item 21 on Agenda of February 4, 2004,TAGGED BY COUNCIL MEMBER QUAN)** – was resented. All voting aye. Nays none. MOTION 2004-0165 ADOPTED
30. ORDINANCE appropriating \$424,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund and approving and authorizing professional architectural and engineering services contract between the City of Houston and **RATNALA & BAHL, INC** for Extension of Taxiway “NC” from Taxiway “NG” to Taxiway “NJ” at George Bush Intercontinental Airport/Houston (Project No. 575); CIP A-0397 - **DISTRICT B – GALLOWAY – (This was Item 24 on Agenda of February 4, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. ORDINANCE 2004-0114 ADOPTED.
31. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water Distribution, Sewer Collection, and Storm Water Drainage Systems serving Clarke Springs Section One, CIP S-0800-82-3 and R-0800-82-3 (DPC-30); approving and authorizing assignment of construction contract to **150 CLARKE SPRINGS, LTD. - DISTRICT D - EDWARDS – (This was Item 27 on Agenda of February 4, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. Council Member Edwards voting no, balance voting aye. ORDINANCE 2004-0115 ADOPTED.
32. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water Distribution, Sewer Collection, and Storm Water Drainage Systems serving Clarke Springs Section Two, CIP S-0800-83-3 and R-0800-83-3 (DPC-33); approving and authorizing assignment of construction contract to **150 CLARKE SPRINGS, LTD. - DISTRICT D - EDWARDS – (This was Item 28 on Agenda of February 4, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. Council Member Edwards voting no, balance voting aye. ORDINANCE 2004-0116 ADOPTED.
33. ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO – (This was Item 36 on Agenda of February 4, 2004, This was Item 36 on Agenda of February 4, 2004)** – was presented.

Council Member Alvarado moved to postpone Item No. 33 until 10:00 a.m. or until arrival of the amended document, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0166 ADOPTED.

Council Member Ellis stated that he would remove his tag on Item No. 16. Council Member Goldberg absent.

16. ORDINANCE approving and authorizing contract between the City of Houston and **RIVERSIDE GENERAL HOSPITAL, INC.**, providing up to \$1,094,096.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds, which sum includes a limitation of additional funding in the amount of \$547,048.00, for the Operation of a Community Residence and Administration of a Quality Living Program, along with supportive services - 2 Years - **DISTRICT I – ALVARADO** – was again before Council.

Council Member Berry stated that he was voting in favor of the project and was kind of curious as to the status of Riverside so if someone could just let him know, and Mayor White stated that he would make sure that he was informed of the status. Council Member Goldberg absent.

A vote was called on Item No. 16. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0117 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that she had been trying to address the issue of Bay Area boulevard and they also had the situation with El Camino Real being one of the oldest streets in Clear Lake, it definitely needed addressing, especially El Camino at El Dorado, that Bay Area Boulevard at Brook Forest Drive, the condition of that road was deplorable, one lane was almost impassable and traffic coming in and out of that subdivision needed to be addressed. Council Member Goldberg absent.

Mayor White asked what was the last report she had concerning the status of the plans on those streets, and Council Member Wiseman stated that she had asked for repairs and was told that they would be made and then told they were done and when she went to look at it she saw that nothing had been done. Council Member Goldberg absent.

Council Member Khan stated that the Association of Pakistani Physicians of North America had decided to hold their convention next year in Houston, that they were so impressed with Houston when they visited, they would be coming to Houston next year from July 3, 2005 to July 11, 2005 and were expecting 2,000 doctors from all over the Country with their families, that they had booked 4,100 room nights in Houston and the minimum estimated economic impact was over \$2 million, that he congratulated the Convention and Visitors Bureau for facilitating that and welcomed the Association of Pakistani Physicians of North America to Houston next year. Council Member Goldberg absent.

Council Member Khan stated that he wanted to thank Mayor White for being a part of the District F Leadership Conference luncheon they had last Saturday, that most of the people who were present felt it was the first time they had seen a Mayor come into their district at such an early stage of the administration and they felt he not only listened to them but the comments he provided gave them a lot of hope for the future of Houston. Council Member Goldberg absent.

Council Member Galloway stated that she had passed out a picture of one of the eyesores in District B, that the property was perhaps a fourth of a block; that back in the early part of July 2003 it was two buildings which burned and someone was killed in the fire as well, that it was a two story and it had been sitting there since July, that she took a tour with Neighborhood

Protection and went through the entire department to find out just how they processed dangerous buildings and other nuisance in the community and they told her they worked with the Fire Department and notified them, that it was a pile of trash and an eyesore and she had several of those sites in her district, that she thought they were going to have to start holding citizens accountable for their properties, that she thought when they had properties like those and the owners did not do anything perhaps they should have them fall under the heading of nuisance, that they had a Nuisance Ordinance which related to clubs where officers had to continue to go out there because they were always selling drugs and they could confiscate those properties, so maybe they should have something like that which dealt with properties like those in the picture, that it was a health hazard and not too far from a school. Council Member Goldberg absent.

Council Member Galloway stated that in District B anyone who was remodeling a house was supposed to get a permit and there were many old houses that were being renovated or remodeled and there was no one getting a permit, they were just adding a porch or backroom and if they had inspectors to drive around in the older neighborhoods they would see that a lot of the old houses which had been sitting for 40 or 50 years and almost falling off the blocks, were getting add ons and windows put in and no one ever came to the City to get a permit, that she thought they really needed to beef up that area so the people could get permits, that she would request that Mayor White talk to the Planning Department to get more inspectors to ride around through the old neighborhoods to monitor them. Council Member Goldberg absent.

Council Member Green stated that he wanted to commend the Mayor for the interest he was taking in the HEC center and the issues that were going on there, that he had gotten daily emails or letters from employees over at the HEC center who tended to be dissatisfied with whatever was going on, whether it was perceived or whatever the situation might be and he would urge the administration to keep a close watch on what was going on there because if they did not have satisfied employees they certainly would not perform at the optimum level, which related to maybe a compromise in safety for officers as well as Houstonians and taxpayers. Council Members Goldberg and Khan absent.

Council Member Green stated that yesterday he met with an employee from Planning and sent a memo to the Mayor's office regarding some potential Title 7 issues and would like someone from Planning to visit with him about it so they could keep things from going to the next level. Council Members Goldberg and Khan absent.

Mayor White stated that he thought there was a time if such meetings occurred after a certain point that Legal Counsel should be involved and asked Mr. Hall to comment on what was appropriate, and Mr. Hall stated that they had developed kind of a protocol, and Ms. Taylor could speak to the precise Legal issues but it came up in a number of context, that it was a particularly sensitive matter as it related to the lawyers and matters that potentially involved litigation or claims against the City, that the protocol that had been established was that certainly anybody was available to talk to the Council Members and the Mayor had authorized it, that as they knew the Charter had some requirements about that but the Mayor had authorized that, what specifically they did not do was have the lawyers meet with the Council Member and a potential complainant, for obvious reasons, that they were the lawyers for the Council but would not appear before the Council as advocates against somebody who was potentially somebody who would file a claim against the City and he thought the reasons for that were obvious, that as regards to briefings, they certainly would do that for the Council Members on anything they wanted with the request that they observe the attorney client privilege regarding those discussions, that there were other issues that the Mayor was probably going to discuss with regards to broader questions of briefings and all. Council Member Garcia absent.

Council Member Edwards stated that there was an article that appeared in Saturday's Houston Chronicle, page 31 in the Metro section, that said "Deal Set In Dumping Case, Williams Brothers to pay \$500,000 for Hiking Trail", that she had several questions regarding the issue,

that the article states that Williams Brothers Construction, one of the largest road building companies in Texas had agreed to pay \$500,000 to resolve felony charges of illegal dumping of hazardous materials waste into Houston's waterways, that the Harris County District Attorney's Office would drop the charges if the Houston based firm helped to fund the building of a biking and hiking trail near downtown Houston, that the deal allowed the company to avoid criminal conviction that would jeopardize its ability to win millions of dollars in State contracts, that the company would pay about \$500,000 directly to the Buffalo Bayou Partnership, that the problem she had with the article and the process was that she did not know how the District Attorney decides what City projects to fund when people had been accused and evidently convicted of felony illegal dumping and none of the litigation dealt with the cleaning up of the dumping, that the dumping was listed, and also the charges, that with the convictions and fines being removed Williams Brothers construction contracts would not be affected on the felony charge of illegal dumping, that Williams Brothers had, on the Spur 527, a \$71.1 million contract and they had almost a million dollars in fines for EPA pollution, that she would like to know how that authority was given and how did the District Attorney decide which City funds were to be funded with fines that the companies were paying and had the pollution problems been cleaned up, that she wanted to know if Williams Brothers had any contracts with the City of Houston and she wanted to know how it happened, that if it was a lie it was a Houston Chronicle lie.

Council Member Edwards stated that she had questions for Metro about the mess they had at West Alabama and Travis, was it going to be fixed by Friday, because that was the route that the buses were supposed to be taking so that they would not go on Alabama and Richmond, and if it was not going to be finished by Friday then where were those buses going to go, what was the plan.

Council Member Edwards stated that they had several people come to public session and talk about Chapter 42, about it being extended past the 610 Loop, that they had those same discussions in District D and looking at how they could move that out and asked Council Member Quan if the Housing Committee was the appropriate committee to look at that to see if they could have the discussion as to how they could broaden Chapter 42.

Council Member Edwards stated that she wanted to ask once again for the appropriate committee look at an ordinance regarding horses and how they run up and down the street in parts of District D, that they could not just walk on people's property and relieve themselves and nobody be responsible for cleaning it up.

Council Member Edwards stated that on Item Numbers 31 and 32 her "no" vote was because of her concern that developer participation was to move toward the helping of development of affordable housing for ownership and not for rental property, that it seemed to her that it was being used a lot for rental property, which was legal, but she would like to have the discussion, that she would like to have somebody explain to her what that ordinance was designed to do.

Mayor White stated that as to the environmental compliance, there were four specific mandates about the Quality of Life Committee, one of which was environmental and thought that Council Member Edwards raised a genuine interest and concern in particular to what the City's jurisdiction or role as an interested party was in a matter such as that, that in answer to her question that would be the appropriate committee, that various Council Members had asked questions concerning the status of various projects that could expedite or avoid disruption in connection with Spur 527 and they had a response from Director Vanden Bosch which included a reference when the 99 traffic signals would be re-timed for the corridor and understood it was on schedule, as well as the issue of the metal plates, that it was his understanding that the utilities that had the metal plates in that there were specific times on the permits that they had and for those that had expired that they take all reasonable steps to enforce the law against those utilities.

Council Member Lawrence stated that on Saturday she visited temporary Fire Station 90, which consisted of two Morgan houses thrown together and their living conditions were deplorable and hoped the City looked at those as they moved forward on a permanent facility for those firefighters.

Council Member Lawrence stated that she had a big concern after reading a firefighter magazine that many times firefighters that received promotions, that go through all the hoops and then their badge was literally thrown to them over the counter by a civilian, that was not the way they should be honoring their firefighters, that for firefighters in the 12 stations in District A she would be honoring them at Council.

Council Member Garcia stated he was late for Council because he was driving through his district looking at what the rain was causing, that on days such as these he thought it was a great opportunity to have folks from the Public Works Department survey particular areas to see where they had clogging of drainage pipes that may only need to be cleaned out or opened up, that down the street from an elementary school on Nicholson they had three sets of ditches that seemed to be flowing pretty well, but in the middle of that block they had one ditch that was already flooding into the yard of the home and it looked to him that if the outlets of that particular ditch were cleaned out that home could find some immediate relief.

Council Member Garcia stated that he had an opportunity to tour the HEC center yesterday and sat with a couple of dispatchers on the 911 side and the Houston Fire Department to see their operations, that he was very impressed with the center itself and he wanted to commend the Mayor for the hands on actions he was taking to find some resolve for that particular area and it was just a tremendous facility and it could be a tremendous operational facility once they got some of the issues ironed out.

Mayor White stated that in light of Council Members Garcia and Green's comments and concerns which had been expressed by other Council Members who had taken an interest in the HEC center, perhaps it would be worthwhile for him to share with his colleagues the actions that had been taken and policies of the new administration, some of which represented a new direction, some of which represented making clear that they were not going to turn back, that they were not going to move out of the building and were not going to change out the software, although they were going to improve the software, they supported the decision and direction to move the call intake sections from the Police and Fire into the reporting line, reporting up to the Director of the HEC Center who had appropriate career experience, that as shown on the existing organizational chart, the dispatchers and those supervising dispatchers would be responsible and accountable to the Police Department, the dispatchers and supervisors of dispatchers would report to and there would be responsibility for their performance with the Fire Department, that they had clarified that inasmuch as there was concern about dual reporting responsibility, that dual reporting responsibility created confusion at a time when people were dealing with new software products that they had not dealt with before, that there were more resources that were going to be dedicated to the enhancement of the GO Database and the HEC Center, there were new resources made available from police and fire that would be made available by the IT Center for the HEC Center, that as he and the Chairman of the Public Safety Committee both emphasized to the 60 to 70 employees who met with them, they expected people, once they gave direction, to chip in and do their job and get on with it, so those were the directions that had been given, that the Chief Administrative Officer of the City was also present at meetings with employees, that what he had described as their policies and what they were doing reflected the input of employees, managers and the stake holders, who were the service chiefs that were provided, that the Chairman of the Public Safety Committee's advice and counsel on the matters had been invaluable, so that was the direction they were going with the HEC Center and he would say to all his colleagues that it was a very critical public function and that they not miss a beat on dispatch, that it was important, now that they had established clear lines of responsibility and accountability, that people observe those lines of responsibility and

accountability in reporting up through the HEC Center, that if somebody called him he would ask who they reported to and that was who they ought to talk to about it. Council Member Green absent.

Council Member Holm stated that in order to make really good decisions, which she really wanted to do, it was really imperative when they delayed items, or tagged items or go before committees and ask for information that the information be received, that a lot of times that information, she thought, was probably information that someone had on hand readily and it would be easily accessible, but when it came just prior to the time needed it delayed and hurt her when she could not really move forward, so she encouraged as they asked for that information if they could have it in a more timely fashion. Council Members Galloway and Green absent.

Council Member Holm stated that they just had the first Quality of Life Committee meeting and they had a membership of five members and in order to act it was required that three members be present and having such a small committee she would just like for all of them to remember that if for some reason they were not going to be able, as a member, to attend to please let the committee Chairman know ahead of time because it did inhibit the work of the committee. Council Members Galloway, Green and Berry absent.

Council Member Sekula-Gibbs stated that today they approved for confirmation Mr. David Wolff and Mr. Gerald Smith unto the Metro Board and she wished them the best of luck and God speed in their new jobs because they had a tremendous amount of responsibility; that she had concerns about Metro and the number one issue was safety, that they had eleven collisions along the new light rail line and that line ran down to the Medical Center and it was a serious problem, that they had not had a fatality yet but suspected that if things did not change quickly that they may, that something had to be done so that they did not have on the nightly news another wreck or a fatality and would like for the Council to be briefed at some point, when it was convenient, what was going on at Metro; that she heard and came to their attention through the Chronicle as well as the television press, that the Metro Police were not treating the citizenry with respect that was due the people, that she would like to ask what really happened at the end of the day when any of their police officers treated a citizen with disrespect. Council Members Galloway and Green absent.

Mayor White stated that he knew the other Council Members shared her concerns about the number of accidents around the Metro Rail line, there was no question that people could always do better, that within a very short period of time the new designated Board Members for Metro rode along the line making notes about every intersection, every curb cut into and the location of accidents, that when a citizen suggested to him a possible source of funding for a TTI and A&M Study of the signalization along that route within 24 hours they responded in a way that made those funds available to assist them, that he thought Congressman Culberson's office was also helpful in that regard, that they were taking it seriously. Council Members Galloway and Green absent.

Mayor White stated they would take up Item No. 33 at this time. Council Members Galloway and Green absent.

33. ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO – (This was Item 36 on Agenda of February 4, 2004, This was Item 36 on Agenda of February 4, 2004)** – was again before Council.

Council Member Alvarado moved to amend Agenda No. 33 as follows, seconded by Council Member Lawrence.

"I move that Agenda Item Number 33 on the February 11, 2004 Agenda, Amendment No. 1 to the JCDecaux contract, be amended by doing the following:

- adding the phrase "in addition to providing at least 15 monitors at HOU along with the installation of the CNN Airport Network" before the semicolon in the third recital on page 1.
- deleting the sentence in Section II, page 2, in its entirety, and substituting therefore the sentence "Beginning in Year 5 of the Term, Article IV, Section 4.7(d), of the Agreement is hereby amended by deleting the phrase "seventy-five percent (75%)" from line three and substituting therefor the phrase "seventy percent (70%)".
- deleting the second sentence in subparagraph (c) in Section III, page 2, in its entirety and substituting therefor the following sentences:

Advertising Display costs which may be applied against the required expenditure shall only include the cost of new Advertising Displays including design fees, fabrication, shipping and installation. In addition to Concessionaire's Midterm expenditure requirement of \$500,000.00, Concessionaire shall, at its expense, also provide for the procurement and installation of the CNN Airport Network along with a minimum of fifteen (15) television monitors into the Central Concourse at HOU, of a quality approved by the Director. All expenditures for Advertising Displays shall be in compliance with required submission of plans and specifications as stated elsewhere herein.

Council Member Quan stated that yesterday they had a discussion regarding the item and there was a request at that time to go to their best and final, that he knew it was a matter that did not expire until the end of the year and the Mayor had indicated yesterday somewhat of an openness to that and he just wanted to make sure they were being fair, that JCDecaux was a great company and had been their contractor for many years, but it seemed like there had been very heated competition in the area and just wanted to make sure they were getting the very best deal, that he commended Council Member Alvarado for the amendment and was quite an improvement over what was initially offered, that he guessed he was questioning the process.

Mayor White stated that his object was to get the best deal that accomplished putting in the monitors at the airport because they wanted to serve the needs of their customers and the stake holder, the airlines, and they also wanted to save money, that was why when they made reasonable requests of airlines they expected polite and orderly responses to them, that they were working every day to try to help the airport and the carriers and passengers and other stake holders, but the problem with an RFP process was the time that it would take would make the installation of the monitors immediately moot and if they changed or shifted then they would require an RFP process, but all things being equal they liked to accommodate the needs of their customers, their stake holders, the airlines and others in providing the best facilities that they could, that he personally communicated that people would have to beat or be in the ballpark or match the most attractive offer they had at the time of the vote, they had no dog in the hunt except the stake holders, that this was the encumbrance that met economically the terms of the offer and he was advised that Mr. Hall, Ms. Taylor and Mr. Vacar were available to answer questions that the alternative would entail an RFP process that would be prolonged and delay the installation of monitors by some six to eight months.

Council Member Quan stated that it was his understanding that Clear Channel had offered to underwrite the cost of the monitors through Southwest Airlines to have the monitors installed immediately and that had been expressed to the administration.

Mr. Hall stated that it was important, as he had asked them to look at it, and he could not put the points that he had raised any better or clearer, that the only thing he could add was the suggestion that was made by Clear Channel, and they had made it to them, suggested that Clear Channel and the present encumbered were on the same basis for a renewal, they were not, when it was competed two years ago there was a provision that the successful vendor would get the opportunity to discuss with the airport administration an extension so that what

the encumbered had was the right to negotiate with the airport an extension of the contract that they won in the process two years ago, a new player did not have that, and that was what the Mayor was saying, and Mayor White asked could Clear Channel, tomorrow, write a check to somebody for \$500,000 to put in monitors or \$250,000 or whatever, that he was under the impression that it would require a contract with that firm which under the existing procurement laws would require an RFP process that would be extended, that literally could not happen but was what they were trying to find out.

Mr. Hall stated that as he understood it there was an agreement based on the concession that was granted, that the present contractor had the right to do any of the things related to the advertising and they required them initially to make an expenditure, as they did in most of those, for capital improvements, they did it, so that they could not make them put in the monitors, the question was raised if someone could give them the money and he supposed they could but the City could not give them anything for it.

Council Member Goldberg moved to suspend the rules to hear from Mr. Richard Vacar, Director of the Airport System, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0167 ADOPTED.

Council Member Goldberg asked Mr. Vacar for a firm commitment from the Aviation Department of when the monitors would be in and Mr. Vacar stated they would have them within 60 days, no longer than that.

Mayor White stated that whoever gave the City the best deal under the circumstances that was who they wanted, it was not based on who sent lobbyists at them and was not based on any other considerations but was based on the numbers and the interests of the stakeholders including the airlines and the users of the airport, etc. and he really commended the Council Members for taking that attitude and assisting the administration in making sure they got the best deal.

Council Member Quan stated that he was encouraged by Mr. Vacar's optimism that in 60 days they would get all the monitors, and Mr. Vacar stated that he was told by their folks that technically they could get them and the JCDecaux folks had guaranteed that to him, and Council Member Quan stated they would hold them to that.

A vote was called on the motion to amend Item No. 33. All voting aye. Nays none. MOTION 2004-0168 ADOPTED.

A vote was called on Item No. 33 as amended. All voting aye. Nays none. ORDINANCE 2004-0117 ADOPTED.

Council Member Quan stated that there had been discussions regarding a number of items dealing with neighborhoods and he wanted to assure Council Member Edwards that they would be discussing Chapter 42 not at the next meeting but the meeting afterwards, that there were several items that he would like to ask Council Members to raise their attention to the coming meeting on Tuesday morning at 9:30 a.m. in the Council Chamber, the LARA Board, he knew that had been something of interest to everyone, there had been appointments made and recommendations made for all positions at this time and an announcement would be made at the meeting as to who the administration's appointments would be and the composition of the LARA Board. Council Members Holm, Garcia and Khan absent.

Council Member Quan stated they would also be having a presentation by Lineberger regarding foreclosure procedures, that there had been a lot of frustration regarding how long it took to foreclose on properties so there would be an outlined chart of what efforts the administration was taking to streamline that process so they could move on the properties faster. Council Members Holm, Garcia and Khan absent.

Council Member Quan stated that as to heavy trash pickup, the administration was proposing a new program on heavy trash pickup and a presentation would be made on that program as well. Council Members Holm, Garcia and Khan absent.

Council Member Quan stated that an update on the senior housing repair program would also be done, that as they knew HUD had indicated a concern about the way they operated their senior housing repair program and a response had been prepared by the City and they had people from Acres Homes and other places come and talk to them about what was going on in the senior housing repair program and that would be discussed at the meeting so he encouraged all Council Members, especially those on the committee, to attend the meeting. Council Members Holm, Garcia and Khan absent.

Council Member Quan stated that he noticed they had representatives of Continental Airlines present in the Council Chamber and they had been hearing on a regular basis the complaints of the purveyors in Terminal C and would hope that Continental Airlines did take steps to at least begin to address those in a positive action, he knew that Council Member Edwards had previously tried to arrange a meeting a the administration had intervened and he would hope that they hear the cries of the people at Terminal C and try to work something with them. Council Members Holm, Garcia and Khan absent.

Council Member Quan stated that he was very upset with the story in the Chronicle about the actions of the officer at Metro and hoped that Chief Tom Lambert would act in a quick and fair manner, but he wanted people in the City to know whether they were natural born or a naturalized citizen or just a visitor to the City that they respected them tremendously, that it was not the type of conduct that they condoned in any way, but that they show respect to each of their citizens. Council Members Garcia and Khan absent.

Council Member Berry stated that as to Council Member Galloway photo, it could be any of a number of hundreds of lots throughout the course of the City, that they knew that Council Member Galloway had stuck to the issue but unfortunately he did not think that anything had every really been done, he did not see a lot of progress being made, that he knew the Mayor had a number of other things to look at but it just broke their hearts to see fellow Houstonians having to live next to that and nobody should have to live next to something like that. Council Member Khan absent.

Council Member Berry stated that in response to Council Member Edwards, they would move their meeting to Monday at 2:00 p.m. in the Council Chamber, that was when Wakenhut and the meter reading would be discussed, and Council Member Edwards asked if in the Aviation meeting they would include TSA, she had several questions regarding that, and Council Member Berry stated that he would be very glad to ask them and suspected they would be present. Council Member Khan absent.

Council Member Berry stated that he wanted to thank the administration and Public Works on behalf of a citizen activist, Mr. Lee Gonzales, that he got an email which stated that after two years of driving down Pierce and the lights being terrible the re-synchronization had been a noticeable and tangible difference in his life, that it was nice to see that. Council Member Khan absent.

Council Member Berry stated that the second of their Spur 527 meetings was completed last night and he wanted to thank a couple of people who helped them a lot, that TXDOT was of a pretty big assistance in posting those on the Transtar signage, that Mr. Quincy Allen of TXDOT underwent quite a barrage from residents and motorists with regards to TXDOT's position on it and he thought Mr. Allen did very well in answering the questions, that Mr. Saperstien, Mr. Vanden Bosch, Captain Wayne Reddy with HPD and Chief Storemski, Chief Lambert and Mr. Lloyd Smith and Dr. Hodo, HBU, who agreed to host the meeting, helped a lot,

that his office was hoping to get for the Mayor a compellation of all the ideas and concerns. Council Members Galloway and Khan absent.

Council Member Berry stated that he wanted to commend the Mayor for the competence and quality of the two appointed members to the Metro Board, that he knew them individually and was impressed and thought they were going to do a great job and thought they were going to see a new day between Metro and the City of Houston in communications. Council Members Galloway and Khan absent.

Council Member Berry stated that something that was not mentioned last week that he thought everybody in Houston was proud of was Ms. Beyonce Knolls performance and the best part being the mention of Houston as her hometown. Council Members Galloway and Khan absent.

Council Member Goldberg stated that he hired a new Chief of Staff, Ms. Sharon Adams and asked that they all go by and say hello to her. Council Members Galloway and Khan absent.

Mayor White stated that he had asked Chief Breshears, in coordination with Metro and Transtar, to prepare a brief presentation on the traffic nightmare that occurred yesterday, that there were 250 Metro police officers, what were they doing during the traffic nightmare, what was the incident management when there was an incident on the freeway, who did what to make things better in all the relevant departments when a lot of Houstonians had a big chunk of their day taken away from them, that they could not stop the rain or the fact that they were blessed with growth, but they did spend a lot of money on traffic and transportation and they needed to make sure that everybody knew what they were supposed to be doing, that they get their dollars worth out of every penny they paid or that Transtar paid on traffic management programs, that Chief Breshears said that he would coordinate with the others to make that presentation. Council Members Wiseman and Khan absent.

Council Member Edwards asked if one of the things that Mayor White was looking at was prohibiting 18 wheelers on Highway 59 and Mayor White stated yes, that the issue came up in a public hearing over the weekend based on checking with certain sources including HPD and TXDOT, that Mr. Saperstein and experts were working on it and he was advised at the time that they could do it through ordinance and a draft ordinance was started on Monday morning, and asked Ms. Taylor to shed some light on it. Council Members Wiseman and Khan absent.

Ms. Taylor stated that what she understood was that it may be most efficient to have the traffic engineer make an assessment that an adjustment of traffic would assist with the congestion and be able to do it as a matter of signage directing traffic during the construction phase, that as she understood it there was an interest in trying to have that engineering study performed and that was what they were seeking by TXDOT, and Mayor White asked if through ordinance or other legal authority, did they, the City of Houston, through their ability to protect the public, could they regulate the entrance and routes of big 18 wheelers on the freeway where there were legitimate concerns, and Ms. Taylor stated that there were significant commerce clause issues with regard to the City regulating the flow of traffic through the City on interstate freeways, it was conceivable but unlikely that they would be able to overcome the commerce clause issues, the last time they had that sort of proposal they actually had legislative action taken in order to allow them to redirect 18 wheelers into a given lane and that was done by State law, that she thought it was doubtful that they would be able to do it by ordinance but they thought the traffic engineer approach may well be one that would work to get them to the same place, and Mayor White asked if the traffic engineer could make a determination or a policy and then they could enforce that, and Ms. Taylor stated yes, based on the construction that was going on in order to assist in the flow of traffic through that construction area and during that time frame they would be able to, if the traffic engineer agreed that the facts supported that, then they could direct the construction contractor to put signs up to direct traffic flow and to put

different types of vehicles into different types of lanes, and if somebody disobeyed the sign then some remedial action could be taken that could be enforced. Council Members Wiseman and Khan absent.

There being no further business before Council, the City Council adjourned at 10:53 a.m. upon MOTION by Council Member Galloway, seconded by Council Member Sekula-Gibbs. Council Members Wiseman and Khan absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary